

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

LARRY JAMES BROWN,)
)
)
Plaintiff)
)
)
vs.) No. CIV-05-1152-C
)
)
D. STEWART,)
)
)
Defendant)

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on January 24, 2006. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge (Dkt. No. 9) is adopted and the civil rights claims are **DISMISSED** for failure to state a claim for relief. Because no amendment can cure the defect, this dismissal operates as an adjudication on the merits. This dismissal counts as a “strike” under 28 U.S.C. § 1915(g). The state law claims are dismissed without prejudice. A judgment will enter accordingly.

IT IS SO ORDERED this 27th day of February, 2006.



ROBIN J. CAUTHRON
United States District Judge